

REMARKS

Initially, Applicants wish to thank the Examiner for the detailed Official Action and for the Notice of References Cited. In addition, Applicants would also like to thank the Examiner for indicating acceptance of the Drawings in the outstanding Official Action. Applicants would also like to thank the Examiner for indicating consideration of each of the documents listed on the Forms PTO-1449 submitted with the Information Disclosure Statements filed on July 21, 2006 and June 6, 2007. Finally, Applicants would like to thank the Examiner for acknowledging consideration of Applicants' claim for foreign priority as well as receipt of a certified copy of the document upon which Applicants' claim for foreign priority is based.

The Examiner asserts that the Information Disclosure Statement filed on September 15, 2006 fails to comply with 37 C.F.R. 1.98(a)(1) and accordingly, has not been considered. However, Applicants note that neither a copy of the form PTO-1449 nor copies of the referenced documents were submitted with the Information Disclosure Statement filed on September 15, 2006 because the documents cited therein were earlier submitted for the Examiner's consideration with the Information Disclosure Statement filed on July 21, 2006 (as noted on page 2 of the Information Disclosure Statement filed on September 15, 2006). Further, Applicants note that the Examiner acknowledged consideration of each of the documents cited in the Information Disclosure Statement filed on July 21, 2006. Thus, Applicants submit that all of the requirements to ensure consideration of the cited documents have been met, and believe that the documents cited therein have been considered, as evidenced by the completed PTO-1449 Form filed with the July 21, 2006 Information Disclosure Statement that lists the documents thereon that was returned by the Examiner.

In the outstanding Official Action, the Examiner objects to the Title of the Invention as not being descriptive. The Examiner objects to the Abstract for including numerical references.

Claims 1, 2 and 7-10 stand rejected under 35 U.S.C. §102(b) as being anticipated by ARIMILLI (U.S. Patent No. 6,397,298). Claims 3 and 4 stand rejected under 35 U.S.C. §103(a) as being unpatentable over ARIMILLI in view of PETTEY (U.S. Patent No. 6,021,480). Claims 5 and 6 stand rejected under 35 U.S.C. §103(a) as being unpatentable over ARIMILLI in view of PETTEY as applied to claim 4, and further in view of ROBINSON (U.S. Patent No. 5,043,885).

Upon entry of the present amendment, claims 1-4 and 6-10 will have been amended and claim 5 will have been cancelled. Claims 1 and 10 will have been amended to recite elements substantially similar to elements previously recited in now-cancelled claim 5. Claims 1-4 and 6-10 will have been amended to address noted informalities. The amendments to claims 1-4 and 6-10 and the cancellation of claim 5 should not be considered an indication of Applicants' acquiescence as to any of the outstanding objections or rejections. Rather, Applicants have amended claims 1-4 and 6-10 and cancelled claim 5 to advance prosecution and to obtain early allowance of the present application.

Applicants respectfully traverse the objection to the Title of the present application. Upon entry of the present amendment, the Title will have been amended in accordance with the Examiner's suggestion. Accordingly, reconsideration and withdrawal of the objection to the Title is respectfully requested.

Applicants respectfully traverse the objection to the Abstract of the present application. Upon entry of the present amendment, the Abstract will have been amended to remove numerical reference numbers to address the Examiner's concern. Accordingly, reconsideration and withdrawal of the objection to the Abstract is respectfully requested.

Applicants respectfully traverse the rejection of claims 1, 2 and 7-10 under 35 U.S.C. §102(b) over ARIMILLI. The Examiner relies upon ARIMILLI to teach the combination of features recited in claim 1. Claim 1 has been amended to recite, *inter alia*, that a selector selects

the cache entry to be replaced when a cache miss occurs and a cache entry having an oldest-order flag attached is present, and that the selector selects the cache entry to be replaced in accordance with the order data when the cache entry having the oldest-order flag attached is not present. The amended features of claim 1 are substantially similar to features previously recited in now-cancelled claim 5. In this regard, Applicants submit that the portions of ROBINSON asserted with respect to now-cancelled claim 5 merely indicate that that when there is a miss, the least recently used block in a non-local section whose count is below a preselected threshold is selected, and if there is no such block below the threshold, the least recently used block is selected. Applicants submit that ROBINSON does not disclose replacement in accordance with an order flag.

Accordingly, Applicants respectfully submits that independent claim 1 is allowable over ARIMILLI for at least the reasons set forth above.

In addition, independent claim 10 is submitted to be allowable for reasons similar to those noted above with respect to independent claim 1 in addition to reasons related to its own recitations.

Applicants respectfully submit that each of dependent claims 2 and 7-9 are allowable at least because they depend, directly or indirectly, from independent claim 1 which Applicants submit has been shown to be allowable. Each of dependent claims 2 and 7-9 are also believed to recite further patentable subject matter. As such, allowance of the dependent claims is deemed proper for at least the same reasons noted for the independent claims upon which they depend, in addition to reasons related to their own recitations.

Accordingly, reconsideration and withdrawal of the rejection of claims 1, 2 and 7-10 under 35 U.S.C. §102(b) over ARIMILLI is respectfully requested.

Applicant traverses the rejection of claims 3 and 4 under 35 U.S.C. §103(a) over ARIMILLI in view of PETTEY and the rejection of claims 5 and 6 under 35 U.S.C. §103(a) over ARIMILLI in view of PETTEY as applied to claim 4, in further view of ROBINSON.

In this regard, arguments made above with respect to the rejection of independent claim 1 are applicable hereto insofar as each of claims 3, 4 and 6 depend from independent claim 1. Further, the cancellation of claim 5 renders the rejection of claim 5 moot.


Applicants respectfully submit that each of dependent claims 3, 4 and 6 are also believed to recite further patentable subject matter. As such, allowance of the dependent claims is deemed proper for at least the same reasons noted for the independent claims upon which they depend, in addition to reasons related to their own recitations.

Accordingly, reconsideration and withdrawal of the rejection of claims 3 and 4 under 35 U.S.C. §103(a) over ARIMILLI in view of PETTEY and the rejection of claim 6 under 35 U.S.C. §103(a) over ARIMILLI in view of PETTEY as applied to claim 4, in further view of ROBINSON is respectfully requested.

At least in view of the herein contained amendments and remarks, Applicants respectfully request reconsideration and withdrawal of each of the outstanding rejections, together with an indication of the allowability of all pending claims, in due course. Such action is respectfully requested and is believed to be appropriate and proper.

Should the Examiner have any questions concerning this Response or the present application, the Examiner is respectfully requested to contact the undersigned at the telephone number listed below.

Respectfully Submitted,
Hazuki OKABAYASHI et al.



Bruce H. Bernstein
Reg. No. 29,027

Steven Wegman
Reg. No. 31,438

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GREENBLUM & BERNSTEIN, P.L.C.
1950 Roland Clarke Place
Reston, VA 20191
(703) 716-1191